(52)

HIGH COURT OF JUDICATURE CHHATTISGARH: BILASPUR

COROM : Hon'ble Shri S.R. Nayak, C.J., &
Hon'ble Shri Satish K. Agnihotri, J.

Miscellaneous Appeal No. 293 of 2006

Appellant : Smt. Smriti Bela Marble W/o G. W. Marble and D/o R.S. Kuldeep, aged about 44 years, R/o. Qr. No. 85 R.D.A. Colony Tikrapara, Raipur (C.G.)

Versus

Respondent : G.W. Marble S/o B.L. Marble, aged about 48 years, R/o Qr. No. 10/D Street 43, Sector-10, Bhilai Nagar, District Durg (C.G.)

Present :

Shri Jitendra Gupta, learned counsel with Shri N.K. Chatarjee, learned counsel for the appellant.

Shri Anand Kumar Tiwari, learned counsel for the respondent.

ORAL ORDER

(18th September, 2006)

The following oral order of the Court was passed by S.R. Nayak, C.J.

1. The application moved by the appellant herein under Section 36 of the Indian Divorce Act for granting litigation expenses towards a man who has been accompanying her to the Court in prosecuting her case, has been rejected by the Court below by the impugned order on the ground that the appellant is also an

(52)

employee in Telecom Department and she has means to bear the expenses. Even before us, quite curiously, the appellant is not fair enough to disclose her income as an employee of the Telecom Department, but, she is careful enough to mention the income of her husband in all the pleadings.

2. In the course of hearing, we made enquiries from the learned counsel for the appellant whether there are issues out of the wedlock between the appellant and the respondent and he would tell us that there are no issues. If the husband and wife are employees in Telecom Department and earning their salaries, simply because, she has been coming to attend the Court proceedings with a man to provide escort to her, that circumstance could not be a ground to seek litigation expenses. Be that as it may, there is absolutely no good ground made out which would appeal to us to exercise the discretion vested in this Court in favour of the appellant. The appeal is devoid of merit and it is accordingly dismissed.

Sd/-
Chief Justice

Sd/-
Satish K. Agnihotri
Judge

Bablu